

In addition, the Patent Examiner has required the election of a single species, stating that claims 12 to 21 are generic.

The Applicant respectfully selects with traverse the invention of Group I, as set forth in claims 12 to 21 wherein R2 is a non-heterocyclic residue for further prosecution. The Applicant also respectfully elects with traverse the single species compound 4-amino-1-hydroxybutylidene-1,1-bisphosphonic acid, which is recited on page 7 of the present Specification. Each of claims 12 to 21 are readable on this elected species. *also traverse*


It is believed that the present invention is directed to a unitary inventive concept, namely, the use of bisphosphonates for the prevention and treatment of infectious processes. It is believed that any search for the group embodied in Group I claims 12 to 21 (non-heterocyclic) would *not* necessarily include a search for the group embodied in Group II, claims 12 to 21 (heterocyclic). Thus, a *not* simultaneous search for all of the groups is believed *would* not to constitute an unreasonable search for the Patent Examiner. In addition, it is believed that the objectives of streamlined examination and compact prosecution would be promoted if a search were conducted simultaneously for all of the groups. Also, the necessity of filing multiple patent applications for the same invention does not serve to promote the public interest. This is because of the extra expense that is

involved, in filing fees and examination costs, as well as the burden upon the public due to the necessity of searching through a multiplicity of patent files in order to find the complete range of subject matter claimed in several different patents that could otherwise be found in one issued patent only.

Applicant reserves the right to file a divisional patent application for the non-selected invention, and for the non-elected species.

For all these reasons, it is respectfully requested that the restriction requirement under 35 U.S.C. 121 be withdrawn and that an action on the merits of all the claims be rendered.

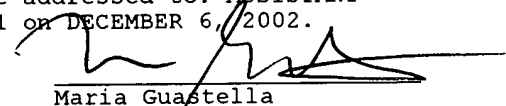
Respectfully submitted,
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Encl.: Copy of Petition for 2 Month Ext. of Time

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: ASSISTANT COMMISSIONER FOR PATENTS, Washington, D.C. 20231 on DECEMBER 6, 2002.


Maria Guastella